

SENATORS BELL, M'MANUS, TERRELL
AND HOUSTON

avored the bill

(The President in the chair.)

The bill was passed to third reading by the following vote:

YEAS—17.

Armistead,	Garrison,
Bell,	Houston,
Burges,	Jarvis,
Calhoun,	Knittle,
Claiborne,	Lane,
Davis,	MacManus,
Douglass of J,	Terrell,
Douglass of G,	Woodward.
Frank,	

NAYS—6.

Allen,	McDonald,
Camp,	Simkins,
Harrison,	Stinson.

ABSENT—2.

Abercrombie, Burney.

On motion of Senator Terrell, Senator Lane was excused till Tuesday on account of important of business.

On motion of Senator Stinson, The Senate adjourned till 10 o'clock to-morrow morning.

FIFTY-THIRD DAY.

SENATE CHAMBER, }
AUSTIN, March 12, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Armistead,

The reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

BY SENATOR CALHOUN:

Memorial on stock matters.

Referred to Committee on Stock and Stockraising.

BY SENATOR JARVIS:

Memorial of citizens of Fort Worth asking that manufactories be exempted from taxation.

Referred to Committee on Constitutional Amendments.

REPORTS OF STANDING COMMITTEES.

BY SENATOR JARVIS:

COMMITTEE ROOM. }

AUSTIN, March 12, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Finance, to whom was referred Senate bill No. 326, entitled,

"An act for the relief of J. D. Milton, J. W. Sedberry, and L. B. Wells," have have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

BY SENATOR HOUSTON:

COMMITTEE ROOM. }

AUSTIN, March 12, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Internal Improvements, to whom was referred House bills No. 256, entitled:

"An act to compel railroad companies to provide double decked cars for shipment of goats, sheep, hogs and calves and to prevent discrimination against shippers thereof, and to provide penalties thereof," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

HOUSTON, for Committee.

Bill read first time.

BY SENATOR FRANK:

COMMITTEE ROOM. }

AUSTIN, March 11, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and compared substitute Senate bill No. 195, being,

"An act to regulate the time and manner of taking and catching fish, oysters, crabs and shrimps, within the limits of the bays and tributaries, within the limits of Texas, up to tide water, and also from the waters of the Gulf of Mexico along the coast of Texas," and find the same correctly engrossed.

FRANK, chairman.

SENATE CHAMBER, }

AUSTIN, March 11, A. D. 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 240, entitled: "An act to amend Article 1639a of 'an act to amend title 32, chapter 17, of the Revised Civil Statutes of the State of Texas,' approved April 14, A. D. 1883," and find the same correctly engrossed.

FRANK, chairman.

BY SENATOR CAMP:

COMMITTEE ROOM, }

AUSTIN, March 11, 1887, }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on State Affairs, to whom was referred House bill No. 377, entitled:

"An act to authorize cities and towns to levy and collect taxes for the construction or purchase of public buildings, water works, sewers, improvements of streets and other permanent improvements, to issue bonds therefor, and to validate certain bonds heretofore issued, and to repeal all laws in conflict therewith," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

CAMP, chairman.

Bill read first time.

BY SENATOR HARRISON.

COMMITTEE ROOM, }

AUSTIN, March 11, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 241.

"An act to create the county of Willie, and to provide for its organization," have had the same under consideration, and a majority instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

HARRISON, chairman.

Bill read first time.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }

AUSTIN, March 12, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House respectfully requests the return of House bill No. 194.

"An act to amend Article 683, chapter 3, title 17, of the Penal Code, and to create Article 683a, and to add to said chapter so as to prescribe a penalty for wilfully and maliciously injuring or destroying property of another, where the injury done exceeds in amount the sum of \$20."

A motion to reconsider the passage of the same having been spread upon the Journals of the House.

WILL LAMBERT, chief clerk,
House of Representatives.

On motion of Senator Terrell,

It was ordered that that the request of the House be complied with.

SENATOR STINSON

Offered the following resolution:

Whereas, There is an improper and wrong endorsement on the reformatory bill, the same being House bill No. 21, which passed the Senate and is now in the House, therefore be it

Resolved, That the House of Representatives be and is hereby requested to send said bill back to the Senate for the purpose of having it properly endorsed and the necessary corrections made.

SENATOR WOODS

Opposed and

SENATOR STINSON

Favored the resolution and it was adopted.

On motion of Senator Harrison.

The vote by which House bill No. 39, "An act to amend section 43, chapter 25, of the acts of 1855, entitled 'an act to amend chapter 79 of the acts of 1883, entitled an act to amend section 46 of an act to encourage stockraising, and to protect stockraisers,' approved April 22, 1879, and amended April 4, 1881, and April 12, 1883," was on yesterday passed, was reconsidered.

SENATOR WOODS

Moved to amend section 46, on page 2, line 18, by adding "Lavaca," after "Limestone."

Adopted by the following vote:

YEAS—20.

Abercrombie,	Harrison,
Allen,	Houston,
Armistead,	Jarvis,
Bell,	Knittle
Burges,	Lane,
Burney,	McDonald,
Calhoun,	MacManus,
Camp,	Simkins,
Claiborne,	Stinson,
Davis,	Terrell,
Douglass of G,	Woods,
Frank,	Woodward.
Garrison,	

NAYS—none.

ABSENT—3:

Douglass of J, Upshaw.
Pope,

As amended, the bill was passed.

SENATOR ALLEN

Asked to have the Journal of yesterday corrected to show that his first amendment to Substitute Senate bill No. 189, did not contain the word "adapted."

(Journal corrected.)

By request of Senator Frank,

Unanimous leave was granted for the Journal to show that the committee amendments to Senate bill No. 117, (the local option bill) were adopted on the third instant.

On motion of Senator Armistead, Senate bill No. 265,

"An act to amend Article 4702, chapter 3, title 95, of the Revised Civil Statutes, relating to the oath administered by assessors of taxes rendering property for taxation," was taken up and read second time, with favorable report.

SENATOR TERRELL

Moved to strike out the word "reasonable," in line 12, and insert in lieu thereof the word "true."

Adopted.

The bill as amended, was ordered engrossed.

SENATOR FRANK

Sent up the following privileged report:

SENATE CHAMBER, }
AUSTIN, March 11, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined Senate bill No. 188, entitled:

"An act to amend an act to amend Article 4761 of the Revised Civil Statutes of the State of Texas,

approved April 24, A. D. 1879," and find the same correctly engrossed.

FRANK, chairman.

On motion of Senator Bell,

Senate Bill No. 261.

"An act to provide for the purchase of a site for, and the establishment, location, construction and maintenance of a State orphan asylum," was taken up and read second time with favorable report.

SENATOR STINSON

Moved to amend by striking out section 2, and numbering the other sections to correspond.

SENATOR STINTON AND ARMISTEAD

Spoke in favor of the amendment and it was adopted.

The bill as amended was order engrossed.

On motion of Senator Frank,

Senate bill No 117,

"An act to amend Articles 3227, 3228, 3229, 3230, 3233, 3234, 3236 and 3238 of title 63 of the Revised Civil Statutes of the State of Texas, and to add Article 3239a to said title," was taken up, read third time and passed.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }

AUSTIN, TEXAS, March 12, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House has passed the following Senate bills:

Senate bill No. 52.

"An act to provide for the separation of partition or adjoining fences, and to prescribe a penalty for a violation of the provisions of this act."

Senate bill No. 166.

"An act to amend Article 605, chapter 2, title 8, of the Code of Criminal Procedure for the State of Texas."

Senate bill No. 129.

"An act to authorize counties, cities and towns in this State which have issued bonds to aid in the construction of railroads and other internal improvements, to adjust their rate of taxation so as to provide for the payment of the interest and sinking fund upon the same."

Also,

That the House has adopted

Senate joint resolution No. 4.

"Authorizing the Attorney General to institute suit against all railroad companies, and all other chartered

companies who have obtained land from the State, for the forfeiture and recovery of such land."

WILL LAMBERT,
Chief Clerk House of Representatives.

On motion of Senator Claiborne,
Senate bill No. 290,

"An act amendatory of and supplementary to an act entitled 'an act to incorporate the city of Galveston, and to grant a new charter,' approved August 2, 1876, and amended April 5, 1881, March 7, 1883 and February 26, 1885, by adding thereto title No. 13, authorizing the construction of sea walls and breakwaters, and for that purpose authorizing the exercise of the right of eminent domain, the issuance of bonds and the levy of a tax, and granting in and of said works certain portions of the public domain, and certain rights and privileges in and to the land upon the gulf shore opposite said city, and from the line of ordinary high tide to the eight foot curve under the waters of the gulf," was taken up and read second time, with committee amendments."

On motion of Senator Claiborne,
The committee amendments were adopted.

The bill was passed to engrossment.

On motion of Senator Claiborne,

The constitutional rule was suspended, and the bill was placed on its third reading and final passage by the following vote:

YEAS—24.

Abercrombie,	Garrison,
Allen,	Harrison,
Armistead,	Houston,
Bell,	Jarvis,
Burges,	Lane,
Burney,	McDonald,
Calhoun,	MacManus,
Camp,	Simkins,
Claiborne,	Stinson,
Davis,	Terrell,
Douglass of G,	Woods,
Frank,	Woodward,

NAYS—none.

ABSENT—4.

Douglass of J,	Pope,
Knittle,	Upshaw.

The bill was read third time and passed by the following vote:

YEAS—23.

Abercrombie,	Armistead.
Allen,	Bell,

Burges,	Jarvis,
Burney,	Lane,
Calhoun,	McDonald.
Camp,	MacManus,
Claiborne,	Simkins,
Davis,	Stinson,
Douglass of G,	Terrell,
Frank,	Woods,
Garrison,	Woodward.
Houston,	

NAYS—1.

Harrison.

ABSENT—4.

Douglass of J,	Pope,
Knittle,	Upshaw.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, March 12, 1887. }
Hon T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House concurs in the Senate amendments to House bill No. 228

"An act to create the counties of Albion, Hayne, Jeff Davis and Prentiss from Presidio county

Also

That the House herewith returns to the Senate, substitute for substitute Senate bill No. 1 and House bill No. 31, known as the "reformatory bill."

Also,

That the House has passed substitute House bill No. 55,

"An act to fix the time for holding the district courts in the several counties comprising the twenty-fifth judicial district of Texas, and to repeal all laws and parts of laws in conflict with the provisions of this act," by a two-third vote—ayes 71.

WILL LAMBERT,
Chief Clerk House of Representatives.

On motion of Senator Houston,

Senate joint resolution No. 23.

"Joint resolution amending section 10, Article 8, of the Constitution," was taken up and read second time, with favorable report.

SENATOR CALHOUN

Moved to

"Strike out 'ten years,' and insert in lieu thereof the words 'five years.'"

SENATOR CALHOUN

Spoke in favor of the amendment.

SENATORS M'DONALD AND ARMISTEAD

Opposed it, and it was lost.

SENATOR CALHOUN

Moved to

Amend by adding:

"Provided further, that this shall not apply to any manufactory with less than \$30,000 worth of actual capital invested in said manufactory in this State."

SENATOR CALHOUN

Spoke in favor of the amendment and it was adopted.

The joint resolution as amended was ordered engrossed.

On motion of Senator Stinson,

Senate bill No. 212 and House bill No. 15,

"An act to provide for the voluntary adoption and introduction by counties of a uniform system of text books in the public free schools; also to authorize trustees of schools to purchase text books under certain circumstances, and to provide a penalty for violation of the provisions of this act by any school officer or teacher," were taken up and read second time with committee substitute

On motion of Senator Woods,

The committee substitute was adopted by the following vote:

YEAS—19.

Allen	Garrison,
Armistead	Harrison,
Bell	Knittle,
Burges	McDonald,
Burney	MacManus,
Calhoun	Simkins,
Claiborne	Terrell,
Davis	Woods,
Douglass of G,	Woodward.
Frank	

NAYS—5.

Abercrombie,	Jarvis,
Camp,	Stinson.
Houston	

ABSENT—4.

Douglass of J,	Pope,
Lane,	Upshaw.

SENATOR WOODS

Moved to strike out section 13,

SENATORS SIMKINS AND WOODS

Favored the amendment, and

SENATORS STINSON AND ALLEN

Opposed it.

(Senator McDonald in the chair.)

SENATOR STINSON

Moved to lay the bill and amendment on the table.

Lost by the following vote.

YEAS—11.

Abercrombie,	Jarvis,
Allen,	Knittle,
Armistead,	MacManus,
Burges,	Stinson.
Camp,	Woodward.
Houston,	

NAYS—13.

Bell,	Garrison,
Burney,	Harrison,
Calhoun,	McDonald,
Claiborne,	Simkins,
Davis,	Terrell,
Douglass of G,	Woods.
Frank,	

ABSENT—4.

Douglass of J,	Pope,
Lane,	Upshaw.

The amendment of Senator Woods was lost by the following vote:

YEAS—10.

Bell,	Harrison,
Burney,	Houston,
Davis,	McDonald,
Frank,	Simkins,
Garrison,	Woods,

NAYS—11.

Abercrombie,	Jarvis,
Allen,	Knittle,
Armistead,	MacManus,
Burges,	Stinson,
Calhoun,	Woodward.
Camp,	

ABSENT—7.

Claiborne,	Pope,
Douglass of J,	Terrell,
Douglass of G,	Upshaw.
Lane,	

SENATOR ARMISTEAD

Moved to amend section 17 by striking out the words "in which," in line 2, and insert in lieu thereof "unless," and strike out the word "against," in line 4, and insert "for,"

SENATOR ARMISTEAD

Spoke in favor of the amendment and it was adopted.

SENATOR ARMISTEAD

Moved to reconsider the vote by which the amendment to strike out section 13 was lost.

SENATOR STINSON

Moved to lay the motion to reconsider on the table.

Lost.

The vote by which the amendment was lost was reconsidered.

SENATOR WOODS

Withdrew the amendment.

SENATOR FRANK

Moved to amend by striking out all of section 13, after the word "libraries," in line 1, page 6.

Adopted.

SENATOR HARRISON

Moved to strike out all in section 6, concerning the reading of the bible in free schools.

SENATORS STINSON AND ALLEN

Opposed the amendment.

SENATORS HARRISON AND BURGESS

Favored the amendment.

SENATOR CLAIBORNE

Moved the previous question on the amendment and on the bill.

Seconded and main question ordered.

The amendment was lost by the following vote:

YEAS—8.

Abercrombie,	Harrison,
Armistead,	Knittle,
Burges,	McDonald,
Camp,	Woods.

NAYS—15.

Allen,	Garrison,
Bell,	Houston,
Burney,	Jarvis,
Calhoun,	MacManus,
Claiborne,	Simkins,
Davis,	Stinson,
Douglass of G.	Woodward.
Frank,	

ABSENT—5.

Douglass of J.	Terrell
Lane,	Upshaw.
Pope,	

The bill was lost by the following vote:

YEAS—7.

Bell,	Frank,
Burney,	Simkins.
Davis,	Woods.
Douglass of G.	

NAYS—16.

Abercrombie,	Harrison,
Allen,	Houston,
Armistead,	Jarvis,
Burges,	Knittle,
Calhoun,	McDonald,
Camp,	MacManus,
Claiborne,	Stinson,
Garrison,	Woodward

ABSENT—5.

Douglass of J.	Terrell,
Lane,	Upshaw.
Pope,	

SENATOR STINSON

Moved to reconsider the vote by which the Senate refused to engross the bill, and to lay that motion on the table.

The motion to lay the motion to reconsider on the table was adopted by the following vote:

YEAS—13.

Abercrombie,	Houston,
Allen,	Knittle,
Armistead,	McDonald,
Burges,	MacManus,
Camp,	Stinson,
Claiborne,	Woodward.
Harrison,	

NAYS—10.

Bell,	Frank,
Burney,	Garrison,
Calhoun,	Jarvis,
Davis,	Simkins,
Douglass of G.	Woods.

ABSENT—5.

Douglass of J.	Terrell,
Lane,	Upshaw.
Pope,	

SENATOR HARRISON.

By leave sent up

A bill to be entitled:

"An act to amend Article 352 of the

Revised Civil Statutes as amended by the Seventeenth Legislature."

Referred to Judiciary Committee No. 1.

THE PRESIDENT

Named Saturday afternoon, the nineteenth instant, as the day for memorial services in honor of the memory of Hon. E. F. Hall and Hon. George Pfeuffer, deceased, distinguished members of the Senate of the Nineteenth Legislature, and appointed Senators Houston, Burges and Terrell as the committee on memorial services.

SENATOR McDONALD

Sent up the following resolution:

"Resolved, That in laying House bills before the Senate, the President shall first call, according to their number, House bills that have been favorably reported, and they shall have precedence over bills reported unfavorably."

Adopted.

SENATOR HOUSTON

Called up the resolution of Senator Claiborne to have night sessions, etc.

SENATOR BELL

Moved to postpone it till next Saturday.

SENATOR MACMANUS

Moved to substitute that motion by saying postpone till next Monday.

SENATORS HOUSTON AND CLAIBORNE

Opposed postponing, and

SENATORS BELL AND STINSON

Favored postponing.

Pending discussion,

On motion of Senator Burney,

The Senate adjourned till 3 o'clock, p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

SENATOR WOODWARD

Entered a motion to reconsider the vote by which Senate bill No. 189 was lost.

SENATOR CLAIBORNE

Offered the following resolution:

"Be it Resolved, That whereas, the end of the present session of the Legislature is rapidly approaching an end.

Be it Resolved, That no speech shall be longer than five minutes in length, and not more than two speeches each, pro and con, upon any bill or resolution introduced in this body."

Ordered to lie over one day under the rule.

House bill No. 115.

"An act to restore the civil jurisdiction of the county court of Bosque county and to repeal all laws in conflict therewith," was taken up read third time and passed.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 12, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House has passed

House bill No. 463:

"An act for the relief of the heirs of Alexander Farmer, deceased,

Also,

House bill No. 185:

"An act to amend section 38, of an act entitled an act to redistrict into judicial districts, and to fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883."

WILL LAMBERT,

Chief Clerk House Representatives.

House bill No. 112.

"An act to prevent the detention of any railroad passenger train, freight train or construction train running upon any railroad in this State, or any injury thereto, or to the track or other property of any railroad in this State and to prescribe the punishment therefor," was laid before the Senate and read second time with favorable committee report and passed to third reading.

THE PRESIDENT

Referred House bill No. 185 to Committee on Judicial Districts.

THE PRESIDENT

Gave notice of signing House substitute for Senate bill No. 85,

"An act to establish and organize the county of Mills."

On motion of Senator McDonald,
Substitute House bill No 375.

"An act to amend section 2, of an act to redistrict the State into judicial districts and to fix the time for holding courts therein," etc., was taken up and read second time with favorable committee report, and was passed to third reading.

On motion of Senator McDonald,

The constitutional rule was suspended and the bill was placed on its third reading by the following vote:

YEAS—22.

Allen,	Garrison,
Armistead,	Harrison,
Bell,	Houston,
Burges,	Jarvis,
Burney,	Knittle,
Calhoun,	McDonald,
Camp,	MacManus,
Claiborne,	Simkins,
Davis,	Terrell,
Douglass of G,	Woods,
Frank,	Woodward.

NAYS—none.

ABSENT—6.

Abercrombie,	Pope,
Douglass of J.,	Stinson,
Lane,	Uphaw.

The bill was read third time and passed.

On motion of Senator Houston,
Senator Lane was excused for four days on account of important business.

On motion of Senator Claiborne,
Substitute House bill No 75.

"An act to amend the charter of the city of Galveston by amending sections 2, 3, 14, 19, 23, 54, 113, 116, 122 and 127 thereof, and by adding thereto sections 18a, 73a, 96a, 131a and 132a," was taken up and read second time with majority (unfavorable), and minority (favorable,) committee reports.

On motion of Senator Claiborne,

The minority report was substituted for the majority report.

SENATOR CLAIBORNE

Sent up the following amendments, which were read and adopted:

Strike out in section 3, line 13, the words "a recorder."

In line 21, section 3, strike out "except the chief of police."

On page 4, section 3, strike out all of said section after the word "dollars," in line 22.

Amend section 3, page 4, by adding after the word "possible," in line 3, "and each of whom shall be confirmed by a majority of the board of aldermen."

Amend section 14, line 4, page 5, by adding after the word "shall," "also be recorder, and."

Amend section 14, page 5, line 10, by adding after the word "the," "powers and."

Amend in section 14, page 5, in line 18, after the word "shall," "by and with the consent of the board of aldermen."

Amend section 14, page 5, line 28, by adding after the word "shall," "by and with the consent of the board of aldermen."

Amend section 19, lines 16 and 17, page 6, by striking out the words "or board of commissioners."

Strike out all of section 18a.

Amend in section 19, line 24, page 6, after the word "of," the words "not to exceed"

Amend by striking out in line 29, page 6, section 19, the word "two," and insert "five."

Amend line 2, page 7, section 19, by striking out "twenty-five hundred" and insert "two thousand."

Strike out section 113 entirely.

Amend in line 10, page 19, section 127, strike out "fifty" and insert "thirty."

Amend in lines 19 and 20, section 127, page 19, by striking out the words "not more than twelve," strike out the whole of section 18a.

Amend page 29, line 5, section 96a, by striking out "lien" and inserting "claim"

Amend section 132a, line 14, page 30, after the word "improvements not more than forty thousand dollars of which shall be expended in any one year."

Amend in line 5, section 132a, page 14, strike out "one million" and insert "four hundred and fifty thousand."

Amend section 132a, in lines 29 and 30, page 29, by striking out the words "one million two hundred and fifty" and insert "seven hundred."

After the word "citizens" in line 10, section 132a, page 30, add "and for the establishment of a system of sewerage for said city."

Amend section 132a, page 30 by adding at the end thereof, the following:

"Provided that no contract for waterworks or work done in the construction of waterworks, shall be paid for

with the bonds hereby authorized to be issued, but said works shall be paid for with cash, arising from the proceeds of the sale of said bonds.

"Section 3. That whereas the near approach of the end of the present session creates an imperative public necessity requiring the suspension of the rule requiring bills to read on three several days therefore said rule is hereby suspended and it is further enacted that this bill take effect and be in force from and after the first day of July A. D. 1887."

As amended, the bill was passed to third reading.

On motion of Senator Claiborne,

The constitutional rule was suspended and the bill was placed on third reading and final passage by the following vote:

YEAS—23.

Abercrombie,	Garrison,
Allen,	Harrison,
Armistead,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	McDonald,
Calhoun,	MacManus,
Camp,	Simkins,
Claiborne,	Terrell,
Davis,	Woods,
Douglass of G.	Woodward.
Frank,	

NAYS—none.

ABSENT—4.

Douglass of J,	Stinson,
Pope,	Upshaw.

The bill was read third time, and passed by the following vote:

YEAS—23.

Abercrombie,	Garrison,
Allen,	Harrison,
Armistead,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	McDonald,
Calhoun,	MacManus,
Camp,	Simkins,
Claiborne,	Terrell,
Davis,	Woods,
Douglass of G,	Woodward.
Frank,	

NAYS—none.

ABSENT—4.

Douglass of J,	Stinson.
Pope,	Upshaw.

On motion of Senator Jarvis, Senator Upshaw was excused for to-day on account of sickness.

On motion of Senator Simkins, House bill No. 122,

"An act to amend section 13, of an act entitled an 'act to amend section 13, of an act to redistrict the State into judicial districts, and to fix the time for holding courts therein,'" etc., was taken up and read second time, and passed to third reading.

On motion of Senator Woods, House bill No. 219.

"An act to validate the purchase by Pierce Johnston from the State of Texas certain school sections of land lying in LaSalle county," was taken up, read third time and passed by following vote:

YEAS—14.

Armistead,	Frank,
Bell,	Houston,
Burges,	Jarvis,
Burney,	Knittle,
Calhoun,	MacManus,
Davis,	Terrell,
Douglass of G.	Woodward.

NAYS—9.

Abercrombie,	McDonald,
Allen,	Simkins,
Camp,	Stinson,
Garrison,	Woods.
Harrison,	

ABSENT—3.

Claiborne,	Pope.
Douglass of J,	

SENATOR HARRISON

Sent the following to the secretary's desk:

"We hereby enter our protest against the passage of House bill No. 219, the object of which is to validate certain patents issued to Pierce Johnston, in violation of both the civil and criminal laws of the State. The facts are substantially as follows: Said Johnston, while surveyor of land district No. —, of the State, filed upon and purchased seven sections of school land in his district. At the time of this purchase surveyors were forbidden from purchasing the public lands, and heavy criminal penalties were imposed for a violation of the law. The State is now suing said Johnston for the recovery of said lands and the cancellations of the patents. The questions involved are purely judicial,

and exclusively within the jurisdiction of the courts. If the patents were legally issued the courts will so hold; if not, they will not and should not so hold. The rights of all parties are fully protected under the law as it now is, if the courts hold the patents void and illegal, the party will get his money back from the treasury which he paid for the land. The Legislature has no authority to exercise judicial powers. The Constitution has conferred that power exclusively upon the courts. Besides, if it had, we cannot see the propriety of passing laws forbidding certain things, and then go about passing other laws specially validating and confirming the acts of those who have wilfully violated the law by doing the thing forbidden. Such action on our part is an encouragement to persons to disrespect and violate the law, it brings the law into contempt, it is nothing less than a reward to the vicious and lawless, and a menace and mockery to the virtuous and loyal citizen, we believe that laws should not be enacted to be made playthings of, and when a law is enacted it should be upheld, enforced and obeyed, and if it works a hard-ship, and proves to be unwise, then repeal it, but do not insult the dignity of the State, and the sacred supremacy in which the law should be held, by ratifying and confirming the acts of those who openly violate it. If, as claimed by some which is doubtful, this party filed on and purchased the land before he went into the office of surveyor as its legal occupant, the courts will without a doubt decree him the land, but if he did not, and filed on and purchased after he became a surveyor, when the law declared he should not, then he should not be permitted to hold the land. This bill establishes a dangerous precedent. It is getting to be a common practice for every man who supposes he has a grievance to come to the Legislature for relief, instead of going into the courts, where both sides can be heard, and we are sorry to note the encouragement this class of legislation is meeting. From the number of claims of this character which have been favorably reported and passed at this session an impartial observer would think we were here as a general relief committee for private persons instead of a body to enact laws for the general government of all.

We earnestly trust the Governor will, in this and all like cases, apply vigorously his constitutional prerogative, the veto power.

HARRISON,
MCDONALD,
CAMP,
ABERCROMBIE,
SIMKINS,
GARRISON,
STINSON,
WOODS.

House bill No. 31.

"An act to require railroads to pay their employes promptly, and prescribing a penalty for failure to so pay them," was laid before the Senate, with announcement that the House refused to concur in Senate amendments.

On motion of Senator Harrison,

The Senate adhered to its amendments, and that a conference committee be asked to be appointed.

SENATORS HARRISON, WOODS AND
WOODWARD

Were appointed on the committee.

THE PRESIDENT

Referred substitute House bill No. 55, to Committee on Judiciary Districts.

On motion of Senator Armistead,

Substitute House bill No. 116

"An act to repeal Articles 992, '93 '94, '95, '96, and 1001, and to amend Articles 988, 1002, 1008, 1012 of chapter 1, title 13 of the Code of Criminal Procedure and Article 1000 of the Code of Criminal Procedure as amended by chapter 12, of the general laws of the Eighteenth Legislature of the State of Texas," was taken up with favorable report.

SENATOR BURGESS

Favored the bill,
And

SENATOR STINSON

Opposed it.

The bill was passed to third reading.

The following reports were sent up by leave:

BY SENATOR TERRELL:

COMMITTEE ROOM, }
AUSTIN, March 12, 1887. }

Hon. T. B. Wheeler, President of the
Senate:

Sir—Your Committee on Judiciary

No 1, to whom was referred House bill No. 330, entitled:

"An act to amend Article 1512, chapter 1, title 31, of the Revised Civil Statutes of the State of Texas, requiring an additional oath from county judges and commissioners." have had the same under consideration, and instruct me to report it back to the Senate with the recommendation it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, March 12, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 334, entitled:

"An act to amend Article 352, of the Revised Civil Statutes as amended by the Seventeenth Legislature," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill re-enacts the said Article as it appears in Revised Statutes, and relates to the manner of filling vacancies in elective city officers.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

BY SENATOR M'DONALD:

COMMITTEE ROOM, }
AUSTIN, March 11, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Judicial Districts, to whom was referred House bill No. 185, entitled:

"An act to amend section 38, of an act entitled 'an act to redistrict the State into judicial districts, and to fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD, chairman.

Bill read first time.

On motion of Senator Douglass of Grayson,

House bill No. 377.

"An act to authorize cities and towns to levy and collect taxes for the construction or purchase of public buildings" etc., etc., was taken up out of its regular order.

On motion of Senator Bell,

The constitutional rule was suspended and the bill was placed on its second reading by the following vote:

YEAS—22.

Abercrombie,	Frank,
Allen,	Garrison,
Armistead,	Harrison,
Bell,	Houston,
Burges,	Jarvis,
Burney,	McDonald,
Calhoun,	MacManus,
Camp,	Simkins,
Claiborne,	Terrell,
Davis,	Woods,
Douglass of G.	Woodward.

NAYS—1.

Stinson.

ABSENT—3.

Douglass of J. Pope.
Knittle,

The bill was read second time and,
On motion of Senator Armistead,
It was postponed till Monday afternoon.

House bill No. 172.

"An act to authorize and re-the Commissioner of the General Land Office to issue a patent to the heirs of Wilhelm Kuhlman for 320 acres of land located in Gillespie county, on December 1, 1879, by virtue of script No 5," was taken up, read third time and passed,

Senate bill No. 70.

"An act to amend Article 4489, title 90 of the Revised Civil Statutes of the State of Texas," was laid before the Senate with House amendments.

On motion of Senator Bell, the House amendments were concurred in.

Senate bill No. 129:

"An act to authorize counties, cities and towns in this State which have issued bonds to aid in the construction of railroads and other internal improvements to adjust their rate of taxation so as to provide for the payment of the interest and sinking fund upon the same," was laid before the Senate with House amendments.

On motion of Senator Bell,
The House amendments were concurred in.

SENATOR FRANK

Sent up the following privileged reports.

SENATE CHAMBER. }

AUSTIN, March 12, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills, have carefully examined Senate bill No. 290, entitled:

"An act amendatory of and supplementary to an act entitled 'an act to incorporate the city of Galveston and grant a new charter,' approved August 2, 1876, and amended April 5, 1881; March 7, 1883 and February 26, 1885, by adding thereto title No. 13, authorizing the construction of sea walls and breakwaters, and for that purpose authorizing the exercise of the right of eminent domain, the issuance of bonds and the levy of a tax, and granting in aid of said works certain rights and privileges in and to the land upon the gulf shore opposite said city from the southwest corner of the city league to the east end of Galveston island," and find the same correctly engrossed.

FRANK, chairman.

The following message was received from the House.

HOUSE OF REPRESENTATIVES. }

AUSTIN, TEXAS, March 12, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that Messrs. Prendergast, Groce and Showalter have been appointed as a conference committee on the part of the House on the differences between the two houses on

House bill No. 31,

"An act to require railroads to pay their employes promptly, and prescribing a penalty for failure to so pay them."

WILL LAMBERT,
Chief Clerk House of Representatives.

SENATOR BURNET

Offered the following resolution:

"Resolved, That no House bill shall be printed, unless specially requested by the chairman of the committee to whom it is referred or by vote of Senate.

Adopted.

Senate bill No. 281.

"An act to create a commission of arbitration and award, and define the powers and duties thereof, and to make an appropriation to pay the salaries of the judges thereof," was laid before the Senate with House amendments.

On motion of Senator Bell.

The Senate refused to concur in the House amendments

Substitute House bill No. 78.

"An act to prevent the gift, sale or loaning of pistols or other deadly weapons to minors, and fixing a penalty therefor," was laid before the Senate with unfavorable committee report, and read second time.

The committee report was adopted, and

The bill was killed.

On motion of Senator Burges,

Senator Knittle was excused to Monday noon.

House bill No. 82.

"An act to amend Article 4480 of the Revised Civil Statutes of the State of Texas," was laid before the Senate and read second time with favorable report and was passed to third reading.

SENATOR FRANK

Sent up the following privileged report.

SENATE CHAMBER. }

March 12, A. D. 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed Bills have carefully examined Senate bill No. 268, entitled:

"An act to amend Articles 4323 and 4843, of the Revised Civil Statutes of the State of Texas, in relating to the trials of the right of property," and find the same correctly engrossed.

FRANK, chairman.

House bill No. 89.

"An act to amend an act passed at the regular session of the Eighteenth Legislature, and approved April 18, 1883, entitled 'an act to amend Articles 430, of section 1, and to repeal section 2, of an act entitled an act to amend Articles 423, 424, 425, 426, 427, 428, 429, and 430a, and to create Article 426½, and to repeal Article 430 of chapter 5, title 13, of the Penal Code of the Revised Statutes for the protection of fish and game,' approved March 15, 1881," was laid before the Senate and second time favorable report

And

A motion of Senator Terrell was postponed till Monday afternoon.

House bill No. 90.

"An act establishing the manner of ascertaining the boundaries of counties, and repealing all laws and parts of laws in conflict with this act," was laid before the Senate, and

On motion of Senator Jarvis

Was postponed till Monday afternoon.

House bill No. 94.

"An act to amend Article 4227, chapter 10, title 84, of the Revised Civil Statutes of the State of Texas," was laid before the Senate, with favorable committee report, and read second time and passed to third reading.

Substitute House bill No. 95.

"An act to amend Article 178, chapter 4, title 6, of the Penal Code of the State of Texas," was laid before the Senate and read second time, with committee amendments.

The committee amendments were adopted, and the bill was passed to third reading.

House bill No. 96.

"An act to amend Article 951, title 24, of the Revised Statutes of the State of Texas," was laid before the Senate and read second time, with favorable report.

SENATOR CAMP

Moved to amend caption to read as follows:

"An act to amend an act entitled 'an act to amend Article 951, title 24, of the Revised Statutes of the State of Texas,' approved March 27, 1883."

Adopted.

SENATOR CAMP

Moved to amend section 1 to read as follows:

"Section 1. Be it enacted by the Legislature of the State of Texas, That an act entitled 'an act to amend Article 951, title 24, of the Revised Statutes, approved March 27, 1883,' be so amended as to hereafter read as follows."

Adopted.

The bill as amended passed to third reading.

House bill No. 101.

"An act to amend sections 1 and 4, as amended by an act entitled 'an act to amend sections 1 and 4 of an act to regulate the sale of spirituous, vinous and malt liquors or medicated bitters; to fix the rate of occupation taxes upon all persons, firms or associations of persons engaged in the sale of spirituous, vinous or malt liquors or medicated bitters; to define the time and manner of collecting such tax and to affix penalties for failure to pay the

same, and to repeal all laws and parts of laws in conflict with the provisions of this act,' approved April 4, 1881," was laid before the Senate, read second time with favorable report and committee amendments, and,

On motion of Senator Bell,

Was postponed till Monday afternoon.

House bill No. 103.

"An act to create Article 669a, of title 8, chapter 5, of the Code of Criminal Procedure of the State of Texas, so as to provide the order in which defendants charged with the same offense shall be tried," was laid before the Senate and read second time with favorable report.

SENATORS BELL, BURGESS AND CALHOUN

Favored the bill.

The bill was passed to third reading.

House bill No. 121.

"An act to amend Article 2335, of chapter 1, of title 40, of the Revised Statutes of Texas," was laid before the Senate and read second time with favorable report, with committee amendments, and committee amendments were adopted.

SENATOR WOODWARD

Moved to amend by striking out lines 8 and 9, and insert in lieu thereof "one wagon and either four horses or four yoke of oxen with necessary yokes and chains, or two horses and two yoke of oxen with necessary yokes and chains."

SENATOR BURNEY

Opposed the amendment and it was lost.

SENATOR DAVIS

Moved to strike out all in section 10, after the word "consumption."

Adopted by the following vote:

YEAS—13.

Ahercrombie,	Garrison,
Allen,	Jarvis,
Burney,	McDonald,
Calhoun,	Simkins,
Camp,	Woods,
Claiborne	Woodward,
Davis,	

NAYS—9.

Armistead,	Harrison,
Bell,	Houston,
Burgess,	Stinson,
Douglass of G.	Terrell,
Frank,	

ABSENT—3.

Douglass of J. Pope.
MacManus,

SENATOR WOODS

Moved to postpone the bill indefinitely.

Lost by the following vote:

YEAS—10.

Abercrombie,	Davis,
Allen,	Garrison,
Burney,	Simkins,
Calhoun,	Terrell,
Claiborne,	Woods.

NAYS—13.

Armistead,	Houston,
Bell,	Jarvis,
Burges,	McDonald,
Camp,	MacManus,
Douglass of G,	Stinson,
Frank,	Woodward.
Harrison,	

ABSENT—2.

Douglass of J, Pope.

SENATOR HOUSTON

Moved to adjourn till 10 o'clock Monday morning.

Lost.

SENATOR TERRELL

Moved to amend by adding after word "fuel," the words "chickens, ducks and dogs."

SENATOR M'DONALD

Opposed the amendment.

SENATOR TERRELL

Favored it.

SENATOR BURGESS

Opposed the amendment and it was lost, and the bill was passed to third reading.

On motion of Senator Garrison,
The Senate adjourned till 10 o'clock Monday morning.

FIFTY-FOURTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, March 14, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the House Chaplain, Dr. Mitchell.

On motion of Senator Woodward,
The reading of the Journal of yesterday was dispensed with.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 14, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House has passed the following bills:

House bill No. 451.

"An act to amend Article 711 of the Revised Statutes, defining the boundaries of Aransas county," by a two-thirds' vote—yeas 78, nays none.

House bill No. 499.

"An act for the relief of J. B. Early, and to validate bounty land certificate No. 831, and the survey made by virtue thereof, issued by Ben. F. Hill, Adjutant General of Texas, on the twenty-eighth day of May, 1851, for 240 acres of land to Henry W. Ward, the said J. B. Early being now the said owner of said certificate."

WILL LAMBERT, chief clerk,
House of Representatives.

PETITIONS AND MEMORIALS.

BY SENATOR UPSHAW:

Petition of citizens of Hill county for scientific temperance instruction in the public schools of Texas.

Referred to Committee on Education.

And

Petition of members of fire departments of Austin and New Braunfels, asking active firemen to be relieved from paying road and poll tax.

Referred to Committee on Finance.

THE PRESIDENT

Gave notice of signing House bill No. 125.

"An act to provide for a more speedy counting of the votes at special and general elections, and to pay the judges and clerks for the same."

REPORTS OF STANDING COMMITTEES.

BY SENATOR FRANK:

SENATE CHAMBER, }
AUSTIN, March 12, A. D. 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Engrossed